

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KONINKLIJKE PHILIPS N.V., et al.,

Plaintiffs,

v.

ELEC-TECH INTERNATIONAL CO.,
LTD., et al.,

Defendants.

Case No. [14-cv-02737-BLF](#)

**ORDER GRANTING DEFENDANTS'
MOTION TO SEAL PORTIONS OF
THE MARCH 12, 2015 HEARING
TRANSCRIPT ON DEFENDANTS'
MOTION TO DISMISS**

[Re: ECF 126]

On March 12, 2015, the parties in the above-captioned action appeared for oral argument on Defendants' motion to dismiss. Thereafter, on March 25, Defendants provided notice that they intended to request redaction of the hearing transcript because the parties and Court discussed at the hearing information that had been filed under seal. *See* ECF 124. Before the Court is Defendants' motion to file portions of the hearing transcript under seal. For the reasons below, the Court GRANTS Defendants' motion.

Courts recognize a "general right to inspect and copy public records and documents, including judicial records and documents." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Two standards govern motions to seal documents, a "compelling reasons" standard, which applies to most judicial records, and a "good cause" standard, which applies to "private materials unearthed during discovery." *Cf. Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal portions of a public hearing transcript must meet the "compelling reasons" standard.

In the Declaration of Michael Powell, submitted by Defendants in support of the motion to seal, Defendants outline the eleven portions of the transcript they seek to seal: (1) page 24, lines 19-23; (2) page 27, lines 3-14; (3) page 33, lines 10-24; (4) page 34, lines 1-6; (5) page 34, lines 7-

15; (6) page 34 line 16 through page 36 line 22; (7) page 37 lines 3-24; (8) page 38 line 9 through page 40 line 7; (9) page 47 line 18 through page 52 line 1; (10) page 52 line 19 through page 54 line 22; and (11) page 58 line 11 through page 60 line 1. *See* Powell Decl., ECF 126-1 at 2-5. Defendants state that each of these portions of the hearing transcript references factual information that was filed under seal in exhibits to the James Declaration in support of Defendants' motion to dismiss for lack of personal jurisdiction, including exhibits 9, 10, 13, 14, 15, 16, 17, 18, 19, and 45 to the James Declaration. *See, e.g.,* Powell Decl. at 3-4. The Court ordered each of these exhibits sealed because the information contained within them met *Phillips'* compelling reasons standard: specifically, these documents contained information about Elec-Tech's business practices, recruitment efforts, and discussions regarding partnerships with other product manufacturers. *See* Sealing Order, ECF 98 at 2-3.


The Court has reviewed the redactions requested by Defendants, and finds that they are narrowly tailored and seek to seal only the portions of the transcript that reference factual information contained within these previously sealed exhibits. As such, the Court finds that Defendants' sealing request meets the requirements of Civil Local Rule 79-5(d)(1)(B).

Because Defendants' have shown compelling reasons to seal this information, the Court HEREBY ORDERS SEALED the following portions of the Hearing Transcript at ECF 123:

Document	Portion of Document Sought to Be Sealed
Hearing Transcript	24:19-23
Hearing Transcript	27:3-14
Hearing Transcript	33:10-24
Hearing Transcript	34:1-6
Hearing Transcript	34:7-15
Hearing Transcript	34:16-36:22
Hearing Transcript	37:3-24
Hearing Transcript	38:9-40:7
Hearing Transcript	47:18-52:1
Hearing Transcript	52:19-54:22
Hearing Transcript	58:11-60:1

IT IS SO ORDERED.

Dated: April 16, 2015


BETH LABSON FREEMAN
United States District Judge